



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 25, 2007

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0096

TITLE: POSSIBLE REACTIVATION OF CONSTRUCTION AND
LICENSING ACTIVITIES FOR THE WATTS BAR NUCLEAR
PLANT UNIT 2

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of July 25, 2007.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner McGaffigan
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0096

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	6/29/07
COMR. McGAFFIGAN	X				X	7/3/07
COMR. JACZKO	X				X	7/5/07
COMR. LYONS	X				X	6/29/07

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on July 25, 2007.

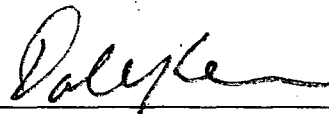
NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-07-0096 - POSSIBLE REACTIVATION OF
CONSTRUCTION AND LICENSING ACTIVITIES FOR
THE WATTS BAR NUCLEAR PLANT UNIT 2

Approved xxxxx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached xxxxx None _____



SIGNATURE

6/29/07

DATE

Entered on "STARS" Yes No _____

Chairman Klein's Comments on SECY-07-0096

I approve the staff's recommendations for the licensing and inspection program approach to be used for Watts Bar, Unit 2 as described in SECY-07 0096, subject to the following comments.

The licensing basis for Unit 1 has been and continues to be updated to incorporate changes in the NRC requirements. Unit 2, in the main, is to be a twin of Unit 1. Therefore I support a licensing review approach that establishes the licensing basis for Unit 2 as the current licensing bases for Unit 1. Significant changes to that licensing basis would be allowed only where the existing backfit rule would be met or in cases in which adequate protection of public health and safety would dictate. I believe that the objectives of the Commission policy on deferred plants can be met using this approach.

I approve the staff's approach for conducting an environmental review as described in the subject paper.

The staff should keep the Commission informed on significant issues that arise concerning the implementation of the Commission policy on deferred plants.



Dale E. Klein

6/29/07

Date

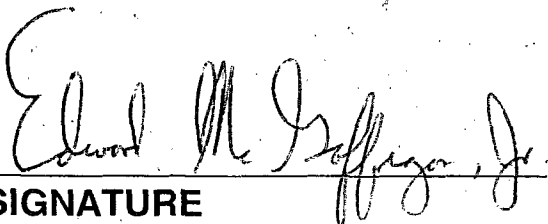
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: SECY-07-0096 - POSSIBLE REACTIVATION OF
CONSTRUCTION AND LICENSING ACTIVITIES FOR
THE WATTS BAR NUCLEAR PLANT UNIT 2

Approved Disapproved Abstain
Not Participating

COMMENTS: Below Attached None



SIGNATURE

July 3, 2007

DATE

Entered on "STARS" Yes No

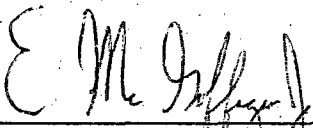
Commissioner McGaffigan's Comments on SECY-07-0096

I approve the staff's recommendations concerning the licensing process and the inspection program to be used for Watts Bar, Unit 2, should the Tennessee Valley Authority (TVA) reactivate its Operating License application.

I agree with the staff that the Commission's Policy Statement on Deferred Plants (October 14, 1987) remains the appropriate framework for their review. I also agree with the staff's plan to use the latest version of NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," for its assessment, with modifications as needed. As Commissioner Lyons notes, the extraordinary duration (22 years) of the deferral may necessitate some departures from that Policy Statement and the staff should advise the Commission when such variations are proposed.

I would also note that there are current generic safety issues at the resolution stage, such as GSI-191. These issues are much easier to resolve before plant operation. For example, with GSI-191, changes to the sump screen and elimination of materials that may cause sump screen clogging in containment involve no worker radiation exposures as they would in an operating plant. The staff and TVA should, during the licensing period, look for opportunities to resolve such issues where the unirradiated state of Watts Bar 2 makes the issue easier to resolve than at Watts Bar 1.

A related issue that warrants attention is the question of future public involvement in the potential resumption of construction and reactivation of the operating license application for Watts Bar, Unit 2. I join Commissioner Lyons in calling for issuance of a further notice of opportunity for hearing on the Watts Bar Unit 2 operating license application, should TVA reactivate its Operating License application. As the staff notes, while the reviews documented in NUREG-0847, "Safety Evaluation Report Related to the Operation of Watts Bar Nuclear Plant, Units 1 and 2," and its Supplements 1 through 4 applied to both Units 1 and 2, Supplements 5 through 20 often documented regulatory compliance for only Unit 1. I believe that renoticing, given the unique characteristics of this case, would provide the fairest opportunity to address and resolve any public concerns that might be raised.



Edward McGaffigan, Jr.

7/3/07

(Date)

NOTATION VOTE

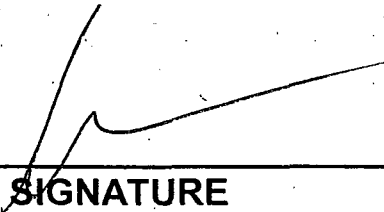
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-07-0096 - POSSIBLE REACTIVATION OF
CONSTRUCTION AND LICENSING ACTIVITIES FOR
THE WATTS BAR NUCLEAR PLANT UNIT 2

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

7/5/07

DATE


Entered on "STARS" Yes ✓ No _____

Commissioner Jaczko's Comments on SECY-07-0096
Possible Reactivation of Construction and Licensing Activities for the Watts Bar Nuclear Plant Unit 2

I approve of the staff's plans for licensing and inspection of Watts Bar Nuclear Unit 2, if the Tennessee Valley Authority intends to complete construction and request an operating license pursuant to 10 CFR Part 50.

I think the staff's plans to review the Watts Bar Nuclear Unit 2 reactivation and operating license application in order to meet the Commission Policy Statement on Deferred Plants are appropriate. I believe that reactivation of construction of Watts Bar Nuclear Unit 2 should be subject to all current applicable regulations, standards, policies, and guidance. The staff's approach provides a clear path to ensure that TVA explicitly commits to meeting current regulatory requirements.

Finally, there is the issue of re-noticing an opportunity for a hearing on the Watts Bar Unit 2 operating license application. I believe this is a question with only one right answer, and I am pleased to see that Commissioners McGaffigan and Lyons have supported re-noticing. The prior notice for a hearing opportunity was provided in 1976 - more than thirty years ago. I believe it is difficult to argue that interested members of the public were adequately afforded an opportunity to participate in this important licensing issue given the amount of time that has passed since the prior notice. Therefore, in order to ensure the agency's credibility if, in fact, TVA proceeds with its operating license application, a further notice of opportunity for hearing is the only feasible path forward.



Gregory B. Jaczko

7/5/07

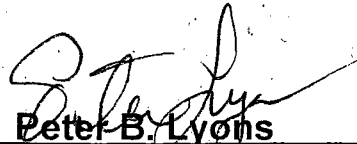
Date

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER LYONS
SUBJECT: SECY-07-0096 - POSSIBLE REACTIVATION OF
CONSTRUCTION AND LICENSING ACTIVITIES FOR
THE WATTS BAR NUCLEAR PLANT UNIT 2

Approved Disapproved Abstain
Not Participating

COMMENTS: Below Attached None


Peter B. Lyons
SIGNATURE

6/29/07
DATE

Entered on "STARS" Yes No

Commissioner Lyons' Comments on SECY-07-0096

I approve the staff's recommendations for the licensing and inspection program approach to be used for Watts Bar, Unit 2 if the Tennessee Valley Authority (TVA) decides to reactivate Unit 2 construction.

I recognize the unique situation facing Watts Bar, Unit 2 in that it has been in a deferred status for nearly 22 years while the construction of its identical-twin plant (Unit 1) has been completed and successfully operating since 1996. Under the Commission's Policy Statement on Deferred Plants (52 FR 38077), when a plant is deferred, the NRC staff will normally bring all on-going post-construction permit (CP) and operating license (OL) reviews to a close, and no new reviews will be initiated. Accordingly, deferred plants would be considered during the deferral period in the same manner as plants still under construction with respect to the applicability of new regulations, guidance, and policies. When a deferred plant is reactivated, the Commission policy would require that the applicant provide, in part, a listing of new regulatory requirements applicable to the plant since its deferral as well as proposed plans for complying with them, a list of outstanding licensing issues and proposed resolutions, and a description of substantive changes made to the plant or site since the last revision to its final safety analysis report.

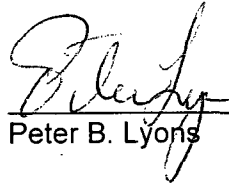
For Watts Bar, Unit 2, the staff understands that TVA is proposing to bring Unit 2's design and licensing bases up to the same standards as those of Unit 1 as they exist today. TVA believes that most of the NRC staff's reviews and approvals of Unit 1's licensing bases would also apply to Unit 2. In consideration of TVA's goal to provide as much similarity as possible between the two units' design and licensing bases, I believe that the objectives of the Commission policy on deferred plants can also be met using TVA's approach. As such, I believe that both the staff's and TVA's approaches can essentially result in the same objective to bring a deferred plant up to current regulatory standards consistent with backfit considerations of 10 CFR 50.109. However, the major difference I foresee is that the staff's approach results in a more thoroughly documented and systematic method that would identify the similarities and differences between the design and licensing bases for Watts Bar, Units 1 and 2. Without having such a comparison clearly identified and documented, I would find it difficult to conclude that Watts Bar, Unit 2's design and licensing bases are essentially identical to what currently exists for Watts Bar, Unit 1.

While I generally support the staff's proposed licensing and inspection approach, I anticipate that specific issues concerning the implementation of staff's approach will arise such as whether the appropriate regulatory criteria are being applied by the staff or being met by TVA. I believe that as these details are identified for Watts Bar, Unit 2, some issues might even challenge the appropriateness of the Commission's policy on deferred plants. The staff should keep the Commission informed on significant issues that are not consistent with the Commission policy on deferred plants or where the Commission policy is having an adverse impact on TVA's ability to reactivate construction of Watts Bar, Unit 2.

I think we should re-notice this matter. The original notice was published over 30 years ago, and a lot can happen in 30 years in terms of people moving into the area and people developing and re-forming opinions and concerns that I think we should require re-noticing in this case.

I note that TVA itself may have significant changes in the facility that could themselves give rise

to an obligation by law to re-notice aspects of the application. As I mentioned above, TVA must submit an amendment to its operating license application describing all substantive changes to the plant design or site since the last FSAR revision. The re-noticed application should account for any such changes to obviate the need to re-notice again.


Peter B. Lyons

7/25/07
Date